

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHNNY ARD,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:04CV1370 HEA
)	
DAVE DORMIRE,)	
)	
Respondent.)	

ORDER

This matter is before the Court on the petition of Missouri State prisoner, Johnny Ard, for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court referred this matter to United States Magistrate Judge Mary Ann L. Medler for a report and recommendation on all pretrial matters pursuant to 28 U.S.C. § 636(b). On September 27, 2005, Judge Medler filed her Order and Recommendation that the petition of Johnny Ard for habeas corpus relief be denied and that a Certificate of Appealability should not be issued in this case. No objections to the recommendation have been filed by either party.

After careful consideration, the Court will adopt and sustain the sound and thorough reasoning of Magistrate Judge Medler as set forth in her Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that the petition of Johnny Ard for habeas corpus relief be, and is, denied;

IT IS FURTHER ORDERED that a Certificate of Appealability shall not issue in this case.

Dated this 17th day of October, 2005.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE